

Message Text

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21

ACTION IO-11

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CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

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AMEMBASSY TEL AVIA

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TAGS: SHUM, UN

SUBJECT: HUMAN RIGHTS COMMISSION (HRC) - ISRAELI PRACTICES

REF: A GENEVA 0853, B GENEVA 1002

1. COMMISSION ADOPTED RES ON ISRAELI PRACTICES BY VOTE OF 23-1 (US) -8 (AUSTRIA, CANDAA, COSTA RICO, FRANCE, FRG, ITALY, UK, URUGUAY). SEPARATE VOTE ON OP-PARAS WERE: OP-PARA 2 24-2 (US, UK) - 6; OP-PARA 4 23-3 (UK, UK, FRG)-6; OP-PARA 11 24-1 (US) - 7.

2. DURING DEBATE SUPPORTERS OF RES SPOKE ALONG PREDICATABLE, ANTI-ISRAELI LINES. US WAS ONLY NON-SUPPORTER TO SPEAK DURING DEBATE; STATEMENT TRANSMITTED REFTEL B STIMULATED REPLIES FROM SENEGAL, JORDAN, PAKISTAN, AND EGYPT. ANSWERING REMARKS OF US REP GRAMENT TRANSMITTED AT END OF THIS MESSAGE.

3. IN EXPLANATION OF VOTE UK, FRG, ITALY, AUSTRIA, AND CANADA STATED RES WAS ONE-SIDED OR AT AVRIANCE WITH THIER GOVERNMENT POSITION. FRANCH EXPLAINED ITS ABSTENTION ALONG LINES OF US GENERAL STATEMENT - THAT THE SPECIAL COMMITTEE LACKED THE JURIDICAL UNCLASSIFIED

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BASIS AND IMPARTIALITY TO CONFER VALIDITY ON ITS

CONCLUSIONS. THIS ANALYSIS LED SENEGAL (A MEMBER OF SPECIAL COMMITTEE) TO ATTEST TO IMPARTIALITY OF REPORT.

4. TEXT OF GARMENT REBUTTAL FOLLOWS: BEGIN TEXT:

THANK YOU, MR CHAIRMAN

I THINK MY PREPARED STATEMENT MADE CLEAR THAT I WAS LAYING STRESS ON THE RESPONSIBILITY OF A MAJORITY IN A DEMOCRACY TO ACT WITH CONCERN FOR THE INTEREST AND RIGHTS OF THE MINORITY. THIS IS PARTICULARLY TRUE WHERE THE MAJORITY IS A PREDICATABLE MAJORITY. IT IS PARTICULARLY TRUE WHERE THE MAJORITY IS A STRONG MAJORITY. IT IS PARTICULARLY TRUE WHERE THE MAJORITY IS BOUND TOGETHER BY POLITICAL TIES.

IN SHORT WHAT I WAS SAYING WAS THE DEMOCRATIC PROCESS OPERATES BY MAJORITY RULE, BUT IT DEPENDS FOR ITS EFFECTIVE OPERATION ON ACCOMMODATION OF THE INTERESTS OF THE MINORITY. THAT ACCOMMODATION IS MOST EVIDENT IN THE PROCESSES USED IN APPLYING RULES OF LAW TO THE FACTS IN ISSUE. THAT IN TURN REQUIRES US TO EXAMINE WITH CARE WHETHER DUE AND SCRUPULOUSLY FAIR PROCESS HAS BEEN APPLIED IN A SITUATION WHERE THE MAJORITY IS A STRONG MAJORITY INCLINED CLEARLY IN A PARTICULAR DIRECTION. AND NOT IN A DIRECTION CONGENIAL TO THE VIEWPOINT OF THE MINORITY BOTH AS TO THE GENERAL ISSUE AND TO THE FACTS THAT COMPRISE THE CONTROVERSY.

I SHOULD FURTHER SAY, THAT IN MY REMARKS I WAS NOT SUGGESTING THAT THE PROBLEM WAS ONE OF PERSONAL BIAS ON THE PART OF THE MEMBERS OF THE SPECIAL COMMITTEE. IF ONLY THAT WERE THE CASE. MEN AND WOMEN OF THE SKILL AND DIGNITY OF THE DISTINGUISHED JURIST REPRESENTING SENEGAL WOULD NO DOUBT SET ASIDE A PERSONAL BIAS IN ORDER TO JUDGE FACTS FAIRLY AND IMPARTIALLY. RATHER THE PROBLEM IS A POLITICAL PROBLEM; AN INSTITUTIONAL PROBLEM. IT IS A PROBLEM WHICH IS TOTALLY BEYOND THE CONTROL OF PARTICULAR INDIVIDUALS.

IN THIS CASE IT RESULTED FROM THE DECISIONS TAKEN YEARS AGO ON THE TERMS OF REFERENCE, ON THE BASIC FRAMEWORK OF THE UNCLASSIFIED

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INVESTIGATION, ON THE STATEMENT OF THE NATURE AND SCOPE OF THE ISSUES. IN THAT CONTEXT, THE WEIGHING OF CLAIMS COULD ONLY HAVE A PREDETERMINED RESULT. AND NOT ONLY WAS THE RESULT PREDETERMINED, BUT THE ROUTE BY WHICH THE RESULT WAS REACHED WAS ALSO PREDETERMINED. THIS, MR CHAIRMAN, WAS CERTAINLY THE VIEW AT THE TIME OF THE ESTABLISHMENT OF THE SPECIAL COMMITTEE HELD BY ALL STATES HOLDING A NEUTRAL ATTITUDE TOWARD THE MIDDLE EAST CONTROVERSY. IT ACCOUNTS

FOR THE FACT THAT NOT ONE STATE HAVING DIPLOMATIC RELATIONS
WITH ISRAEL WOULD CONSENT TO SERVE ON THE SPECIAL COMMITTEE.

THEREFORE, I SAY TO THE REPRESENTATIVES OF JORDAN,
EGYPT, PAKISTAN, AND SENEGAL THAT NOTHING I HAVE HEARD IN
THE DEBATE OR IN THE INTERVENTIONS FOLLOWING MY FORMAL STATEMENT
LEAD ME TO ANY DIFFERENT VIEW WITH RESPECT TO THE CONTENT
OF THAT STATEMENT.

THANK YOU SIR.
END TEXT. BRUNGART

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